



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1998

Capt. Robert Taylor
Amarillo Police Department
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-1639

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116792.

The Amarillo Police Department (the "department") received a request for a specific incident report. You state that the name, address, telephone number and statement of the complainant, who you also list as a witness, should be withheld because the release of this information "will harm the prospects of her future cooperation." You seek to withhold this information under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

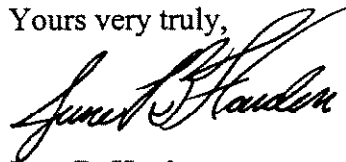
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

We note that the identification and description of a complainant is considered basic information. Absent special circumstances, basic information about an arrested person, an arrest, or a crime is not excepted from required public disclosure. *See* Open Records Decision Nos. 297 (1981), 169 (1977). You have not informed us of any extenuating circumstances that would necessitate the withholding of the complainant's identifying

circumstances that would necessitate the withholding of the complainant's identifying information or her statement. Therefore, since you have not raised another exception to disclosure, we conclude that the department must release the incident report in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 116792

Enclosures: Submitted documents

cc: Mr. Charles Flanagan
2202 W. 8th Avenue, # 5
Amarillo, Texas 79106
(w/o enclosures)